

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, DC 20554

In the Matter of)
)
 Petition of the National Public Safety)
 Telecommunications Council for)
 Further Rulemaking To Allocate)
 Spectrum in the 138-144 MHz Band)
 for Public Safety)

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Comments of
THE STATE OF CALIFORNIA

The State of California through its Department of General Services,
 Telecommunications Division herein submits comments on the captioned petition for
 further rulemaking.

The State of California operates in excess of 45,000 mobile units in all of the
 frequency bands currently allocated for public safety use. These units support critical
 and operational communications for state public safety agencies such as the California
 Highway Patrol, the California Department of Corrections, the California Youth
 Authority, the California Department of Justice, the California Department of Forestry
 and Fire Protection, the California Department of Parks and Recreation, the California
 Department of Fish and Game, the California Department of Water Resources, the
 California Department of Transportation, and the Governor's Office of Emergency
 Services.

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The State was an active participant in the Public Safety Wireless Advisory Committee (PSWAC) formed by the Commission and the National Telecommunications and Information Administration and fully supports the report generated by the Committee. The State commented on and fully supported the Commission's proposal to reallocate 24 MHz of the TV 60-69 spectrum for public safety use as being a major step toward satisfying the immediate need for 25 MHz of spectrum identified in the PSWAC Report. In its comments, however, the State noted this new spectrum did not address the need identified in the Report for 2.5 MHz of spectrum below 512 MHz for interoperability/mutual aid purposes. The State concurs with the comments contained in the subject petition that a portion of the 138-144 MHz spectrum would substantially satisfy the need for interoperability channels.

The mutual aid benefit to be derived from the 138-144 MHz is particularly valuable to the California Department of Forestry and Fire Protection (CDF) in battling wildland fires. CDF works closely with the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM) to combat fires within the extensive "public lands" area of California. Currently, CDF operates in the 150-160 MHz portion of the band while USFS/BLM operations are in the Federal 160-174 MHz band. This existing spectral compatibility coupled with the fact that many local fire agencies in the state also operate in the 150-160 MHz band make possible the mutual aid operations involving thousands of firefighters and hundreds of pieces of apparatus which have occurred in the past and are sure to occur in the future. The availability of spectrum in the 138-144 MHz band would greatly enhance these wildland fire fighting operations.

Recently, the ten agencies named above, together with the Telecommunications Division have been evaluating the State's public safety communications needs into the 21st century. In some cases, existing radio systems such as the VHF Lowband system used by the California Highway Patrol are in desperate need of replacement due to the age of the equipment. However, replacement equipment, particularly the high quality equipment needed by a frontline police agency, is not available in today's marketplace. In other cases, the State's desire to implement new technologies such as mobile computing, video, and imaging is hampered by a general lack of radio spectrum in California, particularly the metropolitan areas of Los Angeles, Oakland/San Francisco, San Bernardino/Riverside, San Diego, and Sacramento.

The ten agencies have concluded that for each of them to continue operating independent radio systems and to make the enhancements desired is not fiscally responsible. Therefore, the State has been exploring options for constructing one or more new statewide radio systems to support the communication needs of the agencies. Due to a general lack of alternative spectrum throughout the state, the initial design efforts have focused on using the new 746-806 MHz spectrum. Based upon computer modeling of radio coverage, it appears a system using this new spectrum will require a ten-fold increase in the number of radio sites as compared to building a similar system in the VHF Highband (138-174 MHz) spectrum. In particular, the analysis shows the biggest problem to be providing coverage in the mountainous terrain typical of large parts of California (i.e. providing coverage in the bottom of canyons is extremely difficult). The additional cost for facilities, equipment, system infrastructure, and installation needed to support this increase in the number of sites will easily exceed

\$1 Billion. Thus, the State is faced with balancing the tremendous economic cost of building a new statewide radio system against the need for enhanced communications capabilities and, in the case of the Highway Patrol, a steady erosion in the functionality of existing systems. The value of the 138-144 MHz spectrum to governmental entities probably exceeds the income which might be gained from auctioning it off.

The State of California strongly supports the National Public Safety Telecommunications Council petition to allocate spectrum in the 138-144 MHz band for public safety use and recommends the Commission act swiftly to either issue a Further Notice of Proposed Rulemaking in WT Docket Number 96-86 or move this matter to a new proceeding.

Respectfully submitted,

State of California

By:

A handwritten signature in black ink, reading "Pete Wanzanried", is written over a horizontal line.

Pete Wanzanried, Chief Public Safety Radio Services
Department of General Services
Telecommunications Division
601 Sequoia Pacific Boulevard
Sacramento, California 95814-0282